THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 18967 of 2006

13-09-2006

Between:

Dasari Darmaraju and others. … Petitioner

And

The Special Deputy Collector/RDO,
Land Acquisition, Jangareddygudem,
West Godavari District and others. … Respondents

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Oral Order:

The petitioners claim to be owners and in possession of lands specified in para 2 of the affidavit filed in support of the writ petition, in Pattenapallem Village, Jangareddygudem Mandal, West Godavari District. They allege that on 6.9.2006, respondents 1 and 2 came near the lands of the petitioners, when they were spraying manure, and orally asked the petitioners to vacate the lands within a week, as the lands would be acquired for providing house sites under the Indiramma Grameena Yojana Padakam. Despite their entreaties, respondents 1 and 2 are threatening to dispossess the petitioners without initiating any proceedings under the Land Acquisition Act, 1894 or any other enabling legislation and in abuse of the colour of authority, is the complaint in the writ petition.

The petitioners have a plurality of remedies against unlawful activities of person or persons including persons holding Public Offices. The petitioners may exercise the right of private defense and use countervailing force to restrain any individual including an individual holding a Public Office from criminally trespassing into their private property and without due regard to substantive and procedural authority of law. The petitioners are also entitled to complain to the nearest Police Station naming such person or persons including those

holding any Public Office complaining of commission of a cognizable offence. On such complaint being made, the jurisdictional police are bound, under the Code of Criminal Procedure, 1973 to register the complaint and protect private property from unlawful depredation including by custodial interrogation of such person or persons for criminally trespassing into private property, without the authority of law. The petitioners have also a remedy to approach the Civil Court of competent jurisdiction for seeking injunctive relief to restrain unlawful interference with property and in such civil action initiated against the respondent/defendant if urgent orders are required, the petitioner may seek exemption from the requirements of Section 80 of the Code of Civil Procedure. Recourse to the Civil Court is available at a proximate distance to the petitioners' habitat.

For the reasons aforesaid, this Court is not inclined to entertain the writ petition. The petitioners are, however, at liberty to avail any of the available remedies including those mentioned above. The Writ Petition is disposed of accordingly.

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13th September, 2006 **GODA RAGHURAM, J**

vtv

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